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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cees A. Van Der Voort
Title: Lily Plant Named 'Corso'
Appl. No.: 09/521,884
Filing Date: March 9, 2000
Examiner: W. Haas
Art Unit: 1661

RESPONSE AND REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action dated September 19, 2002, concerning the above-referenced patent application.

Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

35 U.S.C. §102(b)

The Examiner rejects claim 1 based on 35 U.S.C. §102(b). Applicant respectfully challenges the Examiner's argument that public availability of the instant plant *anywhere* in the world, combined with a printed publication, would bar the instant plant from patentability. Applicant respectfully submits that the USPTO's and Examiner's interpretation of 35 U.S.C. §102(b) is not only incorrect but has no bearing on whether the claim should be allowed.

The Examiner states on pages 2 – 4 of the Office Action, that the published grant, application, and published proposed denomination drawn to the instant plant are each "printed publications" which disclose the claimed plant variety. The Examiner takes